



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: NE 2003-11038
Applicant: Wayne County Highway Department
Waterway: Unnamed Tributary to Spring Creek

Issue Date: December 24, 2003
Expiration Date: January 14, 2003

This notice is provided as background information.

This is not a contract for classified display advertising.

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – OMAHA
8901 South 154th STREET, OMAHA, NEBRASKA 68138-3621

JOINT PUBLIC NOTICE: This public notice is issued jointly by the U. S. Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ). NDEQ P. O. Box 98922, Lincoln, Nebraska 68509-8922 will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto. For the purposes of NDEQ, this public notice will expire 30 days from the above issue date.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Sidney A. Saunders, Wayne County Highway Superintendent, 510 Pearl Street, PO Box 248, Wayne, Nebraska, 68787.

PROJECT LOCATION: Sections 22, 23, 26, and 27, Township 25 North, Range 1 East, Wayne County, Nebraska.

PROJECT DESCRIPTION: The applicant proposes to replace two structurally deficient bridges with a triple box culvert. An unnamed tributary to Spring Creek that flows north through one of the bridges will be relocated to the south side of the county road. The bridge at this location will be replaced by a 65 feet long 24-inch wide corrugated metal culvert pipe. The existing channel on the north side of the county road is 865-feet long, 5-feet wide and 5-feet deep. The channel on the north side of the road will be partially filled for 536 feet, and be shifted 10 to 15 feet north of its present location, will be 8 feet wide, have a buffer that varies between 10 and 15 feet above the relocated channel toe-of- slope and the shoulder. This relocated channel will also have a buffer width of 30 feet above the relocate channel high bank and the right-of-way. This relocated channel on the north side of the road will flow 536 feet west, and cross under the road through new twin culvert pipes and rejoin the existing channel west of the north south road. The new channel on the south side of the

road will be 845 feet long, 10 feet wide, have a buffer that varies between 10 and 30 feet above the channel high bank and the road. This channel will also have a buffer width of 30 feet between the top of the high bank and the right-of-way.

PROJECT PURPOSE: To eliminate flooding that occurs at the county road intersection, improve safety, and replace two structurally deficient bridges.

SPECIAL AQUATIC SITES: No special aquatic sites will be impacted by this project.

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U. S. Department of Interior, Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed/completed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public

interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office 8901 South 154th Street, Suite 1, Omaha, Nebraska 68138-3621 or e-mail at John.L.Moeschen@usace.army.mil. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commenter, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: For additional information, please call **John Moeschen at (402) 896-0896**.

REQUEST TO POSTMASTERS: Please post this notice conspicuously until the expiration date specified at the top of page one.

NOTICE TO EDITORS: This notice is provided as background information for your use. This notice is not a contract for classified display advertising.